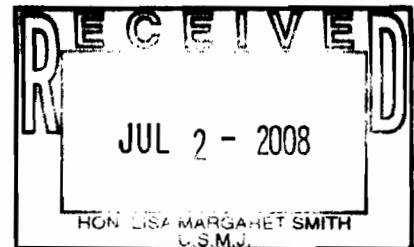


OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY



WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-2000



JANET DIFIORE
DISTRICT ATTORNEY

MEMO ENDORSED

July 1, 2008

Hon. Lisa Margaret Smith, U.S.M.J.
Chambers, Room 428
United States Courthouse
300 Quarropas Street
White Plains, N.Y. 10601

Re: *Lue v Marshall*, 08 Civ. 3834(SLR)(LMS)

Dear Judge Smith:

In the above-referenced collateral challenge under 28 USC §2254 to a State criminal conviction brought by an incarcerated petitioner *pro se*, your Honor's Rule 4 Scheduling Order had directed that respondent submit its papers by Monday, July 7, 2008.

As your Honor is aware, over many years of practice before you, I have rarely sought any extension of time in which to file papers. I do so in regard to this case for reasons including that I am on general beeper duty, responsible for responding to inquiries by any of the police departments in this County outside of normal working hours.

I accordingly request your Honor to grant a two-week extension of the time in which to file respondent's papers in this matter from July 7, 2008 to July 21, 2008 by endorsing the proposed order below. No prior application has been made for an extension in this matter.

Very truly yours,

JANET DIFIORE
DISTRICT ATTORNEY
WESTCHESTER COUNTY

JOHN J. SERGI
Sr. Assistant District Attorney

cc: Robert Lue (05 A 4743)
Sing Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562-5442

FOR THE REASONS HEREIN STATED, THE TIME IN WHICH RESPONDENT IS TO FILE OPPOSING PAPERS IN THIS MATTER IS EXTENDED TO JULY 21, 2008.

SO ORDERED:

(Hon. Lisa Margaret Smith, U.S.M.J.)

Dated: White Plains, New York
July 1, 2008